IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15250 of 2004

Between:

M. Ranga Rao, S/o Madanna,
R/o Roja, Kurnool District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Managing Director,
Musheerabad, Hyderabad.
2 The APSRTC, rep. by its Regional Manager,
Kurnool Region, at Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents herein in disengaging me from service by deleting my name from the selection list on the allegation of not reporting for duty without even issuing any Charge Sheet and conducting any Departmental Enquiry vide Proc.No. E1/255(38)/2001-RM'Q' Kurnool, dt. 30-10-2001 as illegal, unjust and arbitrary, violative of principles of natural justice and as such liable to be set aside in the interest of justice with a consequential direction to the respondents herein to pay all the wages from 30-10-2001 to till date forthwith by reinstating the petitioner into service and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY SC FOR APSRTC

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner is contending that he was appointed as a Driver in the Corporation in pursuance of a selection. After successful completition of training, he was allotted duties in February 1999. During the period of strike of the regular employees from 15-10-2001 to 07-11-2001, the petitioner was directed to report to duty, but, due to lack of information he did not report to duty. Subsequently when he reported to duty, he was informed that his name was deleted from the selection list without issuing charge sheet or show cause notice. The respondents passed an order on 30-11-2001 directing deletion of name of the petitioner from the approved list of selected candidates. Since the petitioner failed to report to duty to engage him as a daily wage driver, his name was deleted from the selection list. The petitioner, therefore, approached this court through this writ petition seeing a direction to the respondents to restore his name in the list of selected candidates and reinstate him into service.

It is an undisputed fact that the petitioner was selected on the basis of regular selection. His services were being utilized as a casual driver as and when required. The impugned notice was issued to him on 30-10-2001 asking him to report to duty on 05-11-2001, failing which his name will be deleted from the approved list of selected candidates. The petitioner contends that he did not receive that notice and later came to know that his name was deleted from the list of selected candidates. Under the similar circumstances, the Division Bench of this Court gave a judgment on 29-08-2003 in Writ Appeal No.1259 of 2003 upholding the order of the learned Single Judge who held that it is not permissible for the Corporation to remove the name of the workman from the selected list, when the selection was made through a regularly constituted board. In the present case also if the Corporation comes to a conclusion that non reporting to duty as required under notice dated 30-10-2001, amounts to dereliction of duty the corporation is at liberty to initiate action against the petitioner and after a detailed inquiry may pass appropriate orders according to Rules, but, without giving any opportunity, removing the name of the petitioner from the list of selected candidates is against the principles of natural justice. The action of the respondents in removing the name of the petitioner from the list of selected candidates is arbitrary. Therefore, such action is liable to be corrected by directing the respondents to restore the name of the petitioner to the selection list.

In the light of the above circumstances, the action of the respondents in deleting the

name of the petitioner from the list of selected candidates is quashed. The respondents are directed to restore the name of the petitioner into the list of selected candidates and continue to engage him as he used to be engaged previously till an action if any taken by the respondents for the absence of the petitioner in response to the notice dated 30-10-2001 and the punishment if any going to be imposed.

With the above said observation, the writ petition is allowed. No order as to costs.

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26TH AUGUST 2004

*TSNR

To

1 The APSRTC, rep. by its Managing Director,
Musheerabad, Hyderabad.
2 The APSRTC, rep. by its Regional Manager,
Kurnool Region, at Kurnool, Kurnool District.

3 Two C.D.Copies